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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,665	09/19/2001	Vincent R. Busam	11336/1166 (P00108US)	1223

757 7590 03/24/2008
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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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03/24/2008

PAPER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/955,665
Filing Date: September 19, 2001
Appellant(s): Busam et al.

Jason M. Wejnert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 13, 2006 appealing from the Office action mailed August 10, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

Art Unit: 2146

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

- Vilhuber, (6,470,453) issued on October 22, 2002.
- Duursma et al., (6,928,469) issued on August 09, 2005.
- Huang et al., (6,571,245) issued on May 27, 2003.
- Levy, (2002/0052885) issued on May 02, 2002.
- Dreke et al., (6,463,471) issued on October 08, 2002.
- London, (6,061,734) issued on May 09, 2000.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-4, 7, 9-12, 15-16, 18, 22-23, 28-29, 32-35, 37, 40-42, 47-48, 51-53, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vilhuber, U.S. Patent No. 6,470,453, in view of Duursma et al., U.S. Patent No. 6,928,469 (hereinafter Duursma).

2. With respect to claims 1, 15, 18, 23, 28, 34, 37, 42, 47-48, 51, and 53, Vilhuber a method for communicating data [see abstract and figs.1-4], comprising the steps of:

receiving a request from a source device [102 i.e. client] to access a network of devices [col.5, Ins.38-45], said network of devices includes a first set of devices [i.e. network devices, **114a-c**], which said source device is authorized to access [i.e. “user access privileges (user privileges) based on the supplied user access information”], and which have been authenticated base on an associated identifier [i.e. username and password, col.8, Ins.8-19], said first set of devices being distributed across a global network [col.5, Ins.46-55 and col.6, Ins.35-40 i.e. “a global network” is interpreted as “a communication channels” which may form part of a WAN];

determining that said source device is authorized to access said first set of devices based on a correspondence between an identifier of said source device and said associated identifier [col.4, Ins.1-9 and col.8,Ins.4-46].

However, Vilhuber does not explicitly show a second set of devices, which said source device is not authorized to access and responsive to said determining step, allowing communication between said source device and said

first set of devices, and not allowing communication between said source device and said second set of devices.

In a method for communicating data, Duursma suggests or discloses a second set of devices [i.e. each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B], which said source device is not authorized to access [i.e. each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [i.e. an applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma by not allowing communication between said source device and said second set of devices because this feature can be provided indicating that such applications are unavailable, when unauthorized applications are not filtered from the display [Duursma, col.7, Ins.28-42]. It is for this reason that one of ordinary skill in the art

at the time of the invention would have been motivated in order to trigger a message indicating that user is not authorized to use the application [col.18, Ins.65-67].

3. With respect to claims 2, 29, and 48, Vilhuber further teaches said identifier associated with said source device comprises [102 i.e. client] a first user identification [col.8, Ins.9-10 i.e. “a user identification” is interpreted as “a valid username”]; said first set of devices use said first user identification [col.8, Ins.11-19]; and said second set of devices do not use said first user identification [col.7, Ins.18-23].

4. With respect to claim 3, Vilhuber further teaches authenticating said device based on said first user identification and a first password [col.8, Ins.8-19], said step of allowing is performed in response to said step of authenticating [col.8, Ins.20-46].

5. With respect to claims 10, 40, and 56, Vilhuber further teaches said step of allowing communication includes sending a command from said source device [102 i.e. client] to one or more devices of said first set of devices [114 i.e. network device] [col.7, Ins.18-22 i.e. “sending a command” is inherent because “a particular user is authorized to access the network”].

6. With respect to claims 11, 32, and 51, Vilhuber further teaches said step of allowing communication includes sending a command from said source device [102 i.e. client] to an intermediate server [104 i.e. network access server] and forwarding said command from said intermediate server to one or more devices of said first set of devices [114 i.e. network device] [col.7, lns.18-22 i.e. “sending a command” is inherent because “a particular user is authorized to access the network through network access server”].

7. Claims 4, 7, 9, 12, 16, 22, 33, 35, 41, 52, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber, U.S. Patent No. 6,470,453, in view of Duursma et al., U.S. Patent No. 6,928,469 (hereinafter Duursma), and further in view of Huang, U.S. Patent No. 6,571,245 (hereinafter Huang).

8. With respect to claims 4 and 7, Vilhuber is silent on transmitting a search request to said first set of devices; performing searches at said first set of devices based on said search request; and providing results from said searches.

In a method of communication, Huang discloses transmitting a search request to said first set of devices; performing searches at said first set of devices based on said search request; and providing results from said searches [col.10, lns.15-26 and figs.6-9].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by requesting, performing, and providing searches within a network because this feature allows the user to search for other users who consider this users as their friend [Huang, col.10, Ins.24-25]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Vilhuber in view of Huang in order to see a list of publish files available [Huang, col.10, Ins.20-21].

9. With respect to claim 9, Vilhuber does not explicitly show said step of allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items.

In a method of communication, Huang discloses said step of allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items [col.8, ln.63 - col.10, ln.60].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items because this feature provides a “virtual” computing environment such that the user sees the same desktop with which the user is accustomed, has access to the same

applications and files, and enjoys the same amenities regardless of the computer system on which the user gains access [Huang, col.1, lns.35-40]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to setup with identical desktop, applications, and file management system such that the user sees the same interface and has access to the same resources from any one of the computer systems connected to the network [Huang, col.1, ln.64 - col.2, ln.1].

10. With respect to claims 12, 16, 22, 33, 35, 41, 52, and 57, Vihuber does not explicitly show said creating a playlist comprises creating a playlist of items on different type of device.

In a method for communicating data, Huang discloses said creating a playlist comprises creating a playlist of items on different type of device [col.2, ln.16 - col.3, ln.4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by creating a playlist of items on different type of device because this feature provides a list of applications available to the user [Huang, col.2, ln.51]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to setup with identical desktop, applications, and file management system such that the user sees the same

interface and has access to the same resources from any one of the computer systems connected to the network [Huang, col.1, ln.64 - col.2, ln.1].

11. Claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber in view of Duursma as applied to claims 1, 15, 18, 23, 28, 34, 37, 42, 47, and 53 above, and further in view of London, U.S. Patent No. 6,061,734.

12. With respect to claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55, Vilhuber and Duursma do not explicitly show receiving, at an intermediate entity, and from said source device, a request to search; forwarding said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices.

In a method for communicating data, London discloses receiving, at an intermediate entity, and from said source device, a request to search; forwarding

said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices [figs.6-7; col.9, ln.17 - col.10, ln.48; col.1, ln.12 - col.2, ln.65].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber and Duursma, and further in view of London by attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices because this feature is useful in efficiently routing message in a network [London, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce amount of network traffic and reduce the burden on the proxy server [London, col.1, lns.49-50 and col.2, ln.22-23].

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over all Vilhuber in view of Duursma, as applied to claim 1 above, and further in view of Dreke et al., U.S. Patent No. 6,463,471 (hereinafter Dreke).

14. With respect to claim 13, Vilhuber is silent on establishing said network of devices without using a server.

In a method of communication, Dreke discloses establishing said network of devices without using a server [fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Vilhuber in view of Duursma in view of Dreke by establishing said network of devices without using a server because this feature reduces burden on a central server. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to distributed file sharing system in a network using database synchronization.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over all Vilhuber in view of Duursma, and further in view of Dreke as applied to claim 13 above, and further in view of Levy, U.S. Patent Application Publication No. 2002/0052885.

16. With respect to claim 14, Vilhuber is silent on broadcasting from a first device; listening for other devices, performed by said first device; broadcasting from a second device; listening for other devices, performed by said second device; establishing a connection between said second device and said first device; authenticating said first device and said second device; broadcasting from a third device; listening for other devices, performed by said third device; establishing a connection between said second device and said third device; authenticating said second device and said third device; establishing a connection between said third device and said first device; and authenticating said first device and said third device.

In a method of communication, Levy discloses broadcasting [page 3, paragraph 0033 i.e. “having the computer broadcast their event logs to each other”] from a first device [i.e. 104]; listening [i.e. “maintain a copy of the event log, which is synchronized upon each broadcast operation”] for other devices, performed by said first device; broadcasting from a second device [i.e. 106]; listening for other devices, performed by said second device; establishing a connection between said second device and said first device; authenticating said first device and said second device; broadcasting from a third device; listening for other devices, performed by said third device; establishing a connection between said second device and said third device; authenticating said second device and said third device; establishing a connection between said third device and said first device; and authenticating said first device and said third device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Dreke, and further in view of Levy by establishing and authenticating among first, second, and third device in a network using broadcasting and listening because this feature reduces burden on a central server. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to distributed file sharing system in a network using database synchronization.

(10) Response to Argument

In the remarks, applicant argued in substance that

I. Group 1: Claims 1-4, 7, 9-12, 8, 23, 28-29, 32-33, 37, 40-41, 47-48, and 51-52. The Vihuber-Duursma combination does not teach or suggest the claimed data communication system with a first and second set of devices, determining that a source device is authorized to access a first set of devices based on an identifier, or the other features recited in Group 1 claims.

In response to Appellant's argument that the Vihuber-Duursma combination does not disclose a network in which a first set of devices uses a first identifier which is also associated with a source device, and a second set of devices that the source device is not authorized to access, the examiner respectfully disagree. Vihuber discloses a network [= network **108**] in which a

first set of devices [= network devices, **114a-c**] uses a first identifier [= username and password, col.8, ll.8-19] which also associated a source device [= client **102** is a device, col.6, ll.24-34]. The examiner admits that Vihuber does not explicitly show a second set of devices that the source device is not authorized to access. In a method for communicating data, Duursma discloses a second set of devices [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, lns.60-63 and fig.6B], which said source device is not authorized to access [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, lns.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [= an applicant program can trigger indicating that the user is not authorized to the application, col.18, lns.60-67]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed. Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma combination does not disclose an identifier associated with any of the network devices, the examiner respectfully disagree. Vihuber discloses an identifier [= user access privileges based on the supplied user access information such as username and password, col.8, ll.8-19] associated with any of the network devices [fig.1 and col.6, ll.18-46]. According to Merrian-Wester dictionary, "associate" is to join or connect together. The user access such as username and password join or connect a source device [= client 102] with the first set of network devices [= network devices **114a-c**] [fig.1 and col.6, ll.18-46]. Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above.

In response to Appellant's argument that Duursma does not disclose not allowing communication between a source device and second set of devices, the examiner respectfully disagree. Duursma discloses a second set of devices [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, lns.60-63 and fig.6B], which said source device is not authorized to access [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, lns.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said

determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [= an applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed. Therefore, Duursma disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma combination does not disclose a network of devices that includes a first set of devices, which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier, and a second set of devices, which the source device is not authorized to access, the examiner respectfully disagree. Vihuber discloses a network [= network **108**] in which a first set of devices [= network devices, **114a-c**], which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier [= username and password, col.8, ll.8-19] [fig.1 and col.6, ll.18-46]. According to Merrian-Wester dictionary, "associate" is to join or connect together. The user access such as username and password join or connect a source device [= client 102] with the first set of network devices [= network devices **114a-c**] [fig.1 and col.6, ll.18-46]. Therefore, Vihuber discloses

a network of devices that includes a first set of devices, which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier as discussed above. The examiner admits that Vihuber does not explicitly show a second set of devices that the source device is not authorized to access. In a method for communicating data, Duursma discloses a second set of devices [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B], which said source device is not authorized to access [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [= an applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed.

Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above.

II. Group 2: Claims 15-16 and 34-35. The Vihuber-Duursma or the Vihuber-Duursma-Huang combination does not teach or suggest the claimed acts of identifying items on a first set of devices and creating a playlist of the items on the first set of devices, where the playlist includes items on different devices.

In response to Appellant's argument that the Vihuber-Duursma combination does not disclose a network in which a first set of devices uses a first identifier which is also associated with a source device for access authorization, and a second set of devices that the source device is not authorized to access, the examiner respectfully disagree. Vihuber discloses a network [= network **108**] in which a first set of devices [= network devices, **114a-c**], which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier [= username and password, col.8, ll.8-19] [fig.1 and col.6, ll.18-46]. According to Merriam-Wester dictionary, "associate" is to join or connect together. The user access such as username and password join or connect a source device [= client 102] with the first set of network devices [= network devices **114a-c**] [fig.1 and col.6, ll.18-46]. Therefore, Vihuber discloses a network of devices that includes a first set of devices, which a source device is authorized to access, and which have been

authenticated or logged in based on an associated identifier as discussed above.

The examiner admits that Vihuber does not explicitly show a second set of devices that the source device is not authorized to access. In a method for communicating data, Duursma discloses a second set of devices [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B], which said source device is not authorized to access [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [= an applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed. Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above.

In response to Appellant's argument that one of ordinary skill in the art would not consider a generic list of accessible applications to teach or suggest a playlist, the examiner respectfully disagree. Huang discloses a list of authorized applications [= step 514 of fig. 5] that the user has been authorized for access, files and folder [col.18, ll.44-46]. Huang further discloses the file and folder synchronization can be easily transferred and shared between the storage on the network in the virtual desktop environment [col.11, ll.39-67 and fig.8]. According to the Merriam-Webster dictionary, "playlist" is a list of recording to played and "synchronize" is to make exactly simultaneous with the action. Therefore, a playlist would be read on the synchronization list of Huang as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-Huang does not disclose creating a playlist of items, the examiner respectfully disagree. Huang discloses a list of authorized applications [= step 514 of fig. 5] that the user has been authorized for access, files and folder [col.18, ll.44-46]. Huang further discloses the file and folder synchronization can be easily transferred and shared between the storage on the network in the virtual desktop environment [col.11, ll.39-67 and fig.8]. According to the Merriam-Webster dictionary, "playlist" is a list of recording to played and "synchronize" is to make exactly simultaneous with the action. A playlist would be read on as the synchronization list of Huang. Huang further discloses the file management system allows the user to manipulate synchronization files [= playlist as discussed above] and folders in similar file and folders manner for a desktop PC including create [=

create items], save, rename, delete, copy, cut, paste, find, and so on [Huang, col.8, ll.64-67]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-Huang does not disclose creating a playlist of items on different types of devices, the examiner respectfully disagree. Huang discloses a list of authorized applications [= step 514 of fig. 5] that the user has been authorized for access, files and folder [Huang, col.18, ll.44-46]. Huang further discloses the file and folder synchronization can be easily transferred and shared between the storage on the network and the local PCs including the office desktop PC, the home desktop PC, or a portable PC [= different types of devices], in the virtual desktop environment [Huang, col.11, ll.39-67 and fig.8]. According to the Merriam-Webster dictionary, "playlist" is a list of recording to played and "synchronize" is to make exactly simultaneous with the action. A playlist would be read on as the synchronization list of Huang. Huang further discloses the file management system allows the user to manipulate synchronization files [= playlist as discussed above] and folders in similar file and folders manner for a desktop PC including create [= create items], save, rename, delete, copy, cut, paste, find, and so on [Huang, col.8, ll.64-67]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

III. Group 3: Claims 23-24 and 42-43. The asserted Vihuber-Duursma-Huang combination does not teach or suggest receiving a search request from a source device, sending the search request to the first set of devices; and receiving search results from the first set of devices and other limitations in the Group 3 claims.

In response to Appellant's argument that the Vihuber-Duursma combination does not disclose a network in which a first set of devices uses a first identifier which is also associated with a source device for access authorization, and a second set of devices that the source device is not authorized to access, the examiner respectfully disagree. Vihuber discloses a network [= network **108**] in which a first set of devices [= network devices, **114a-c**], which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier [= username and password, col.8, ll.8-19] [fig.1 and col.6, ll.18-46]. According to Merriam-Wester dictionary, "associate" is to join or connect together. The user access such as username and password join or connect a source device [= client 102] with the first set of network devices [= network devices **114a-c**] [fig.1 and col.6, ll.18-46]. Therefore, Vihuber discloses a network of devices that includes a first set of devices, which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier as discussed above. The examiner admits that Vihuber does not explicitly show a second set of devices that the source device is not authorized to access. In a method for

communicating data, Duursma discloses a second set of devices [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B], which said source device is not authorized to access [= each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [= an applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed. Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above. Therefore, the combination of the Vihuber-Duursma disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-Huang combination does not disclose sending a search request to a first set of devices that are authorized for access based on a correspondence between an identifier

of the source device and the associated identifier of the first set of devices, the examiner respectfully disagree. Applicant's argument does not commensurate with the scope of the claim. The claims only recite the limitation of sending a search request to a first set of devices that are authorized for access [col.10, ll.15-26]. For example, Huang disclose Window contains a search [= search feature] and query box that allows the user to search for other users [= a first set of devices because in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed] who consider this users as their friend [= authorized access] [see Huang, col.10, ll.15-26]. However, claims do not recite the limitation of sending a search request to a first set of devices that are authorized for access based on a correspondence between an identifier of the source device and the associated identifier of the first set of devices (emphasis added). Assuming applicant's argument does commensurate with the scope of the claim that the Vihuber-Duursma-Huang combination does not disclose sending a search request to a first set of devices that are authorized for access based on a correspondence between an identifier of the source device and the associated identifier of the first set of devices, the examiner still respectfully disagrees. Huang discloses sending a search request to a first set of devices that are authorized for access based on a correspondence between an identifier of the source device and the associated identifier of the first set of

devices [col.10, ll.15-26]. For example, Huang disclose Window contains a search [= search feature] and query box that allows the user to search for other users [= a first set of devices because in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed] who consider this users as their friend [= authorized access] based on a correspondence between an identifier [= an identifier such as "private", "publish", or "friends", Huang, col.9, ll.35-44] of the source device [= virtual desktop **810**] and the associated identifier of the first set of devices [= public folder contain unprotected files that are freely accessible by everyone, Huang col.9, ll.54-2] [col.10, ll.15-26]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-Huang combination does not disclose receiving search results from a list set of devices authorized for access by the source device, the examiner respectfully disagree. Huang disclose receiving search results from a list set of devices authorized for access by the source device [= lists the results of the search, col.10, ll.15-44]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

IV. Group 4: Claims 53 and 56-57. The Vilhuber-Duursma-Huang combination does not teach or suggest logging a first device into a network of devices using a first user identification, identifying the devices that are logged in to the network using the first user identification, and allowing the first device to communicate with the devices that are logged into the network using the first user identification, and not allowing the first device to communicate with the devices that are logged into the network using the second user identification recited in the Group 4 claims.

In response to Appellant's argument that the Vilhuber-Duursma-Huang combination does not disclose the devices are authenticated based on an identifier when logged into the network, let alone based on the same identifier used for the source device, the examiner respectfully disagree. Applicant's argument does not commensurate with the scope of the claim. The claims only recite the limitation of the devices are authenticated based on an identifier when logged into the network. Vilhuber discloses a network [= network **108**] in which a first set of devices [= network devices, **114a-c**], which a source device is authorized to access, and which have been authenticated or logged in based on an associated identifier [= username and password, col.8, ll.8-19] [fig.1 and col.6, ll.18-46]. Further, in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed. Therefore, Vilhuber

discloses the devices are authenticated based on an identifier when logged into the network as discussed above. However, claims do not recite the limitation of the devices are authenticated based on an identifier when logged into the network, let alone based on the same identifier used for the source device (emphasis added). Assuming applicant's argument does commensurate with the scope of the claim that the Vihuber-Duursma-Huang combination does not disclose the devices are authenticated based on an identifier when logged into the network, let alone based on the same identifier used for the source device, the examiner still respectfully disagrees. Vihuber discloses the devices are authenticated based on an identifier when logged into the network as discussed above. However, Vihuber does not explicitly the same identifier used for the source device. In a method of communication, Huang discloses the same identifier [= an identifier such as "private", "publish", or "friends", Huang, col.9, ll.35-44] used for the source device [= virtual desktop **810**] [col.10, ll.15-26]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-Huang combination does not disclose a second set of devices, or a second identifier used to log devices into the network, the examiner respectfully disagree. In the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical

apparatus read on devices. Huang discloses a second set of devices [= list of the files available to this user from the dreind associated with the link, col.10, ll.15-26] or a second identifier [= an identifier such as “private”] used to log devices into the network [Huang, col.9, ll.35-44]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

In response to Appellant’s argument that the Vihuber-Duursma-Huang combination does not disclose allowing a first device to communicate with the devices that are logged into the network using the first user identification, and not allowing the first device to communicate with the devices that are logged into the network using the second user identification, the examiner respectfully disagree. Vihuber discloses allowing a first device [= client **102**] to communicate with the devices [= network devices, **114a-c**] that are logged into the network using the first user identification [= username and password, col.8, ll.8-19]. Further, in the specification of page 4, the applicants wrote, “these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus.” Applications and/or software process running on a physical apparatus read on devices as claimed. However, Vihuber does not explicitly show not allowing the first device to communicate with the devices that are logged into the network using the second user identification. In a communication method, Huang discloses not allowing the first device to communicate with the devices that are logged into the network using the second user identification [= limited access such “friends”]. For example, Huang discloses limited access

folder contains protected files that are accessible only those specifically authorized by the user [Huang, col.10, ll.4-14]. Therefore, the combination of the Vihuber-Duursma-Huang disclose claimed feature as show in the above.

V. Group 5: Claims 5, 6, 8, 17, 19-21, 26, 30-31, 36, 38-39, 45, 49-50, and 54-55. The Vilhuber-Duursma-London combination does not teach or suggest receiving a request to search, forwarding the request to search from an intermediate entity to a first set of devices, performing searches at the first set of devices based on the request to search, attempting to provide results from the searches directly to said source device from the first set of devices via direct connections which bypass the intermediate entity, and providing the results from the searches to the source device from the first set of devices via the intermediate entity if the direct connections cannot be established.

In response to Appellant's argument that the Vihuber-Duursma-London combination does not disclose: (1) performing searches at the first set of devices, (2) attempting to provide search results from the first set of devices to the source device through direct connections which bypass the intermediate entity, or (3) providing the search results to the source device through the intermediate entity if a direct connection cannot be made, the examiner respectfully disagree. Huang discloses (1) performing searches at the first set of devices [col.10, ll.15-26]. For example, Huang disclose Window contains a search [= search feature]

and query box that allows the user to search for other users [= a first set of devices because in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed] who consider this users as their friend [= authorized access] based on a correspondence between an identifier [= an identifier such as "private", "publish", or "friends", Huang, col.9, ll.35-44] of the source device [= virtual desktop **810**] and the associated identifier of the first set of devices [= public folder contain unprotected files that are freely accessible by everyone, Huang col.9, ll.54-2] [col.10, ll.15-26]; or (3) providing the search results to the source device through the intermediate entity if a direct connection cannot be made [= lists the results of the search, col.10, ll.15-44]. However, Huang does not explicitly show (2) attempting to provide search result from the first set of devices to the source device through direct connections with bypass the intermediate entity. In a communication method, London discloses (2) attempting to provide search result from the first set of devices to the source device through direct connections with bypass the intermediate entity [figs.6-7 and col.9, ll17 through col10, ll48 and col.1, ll.12 through col.2, ll.65]. Therefore, the combination of the Vihuber-Duursma-London disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-London combination does not disclose a source device in a private network, or that the

source device has a private address and does not have a globally unique address, or that the target device has a globally unique address and inaccessible via an Internet, the examiner respectfully disagree. Vihuber discloses a source device [= client **102**] in a private network [= LAN 522 of fig.5], or that the source device has a private address [= LAN address] and does not have a globally unique address, or that the target device [= network device **114a-c**] has a globally unique address [= server address] and inaccessible via an Internet [= the firewall can be used to prevent unauthorized clients from connecting to network 108 and other devices that are logically behind firewall, col.6, ll.47-58]. Therefore, the combination of the Vihuber-Duursma-London disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-London combination does not disclose second connection attempts, transferring items using the second connection if the second connection attempt is successful, or transferring an item via a proxy if the second connection attempt is not successful, the examiner respectfully disagree. London disclose second connection attempts, transferring items using the second connection if the second connection attempt is successful, or transferring an item via a proxy if the second connection attempt is not successful [figs.6-7 and col.9, ll.17 through col.10, ll.48 and col.1, ll.12 through col.2, ll.65]. Therefore, the combination of the Vihuber-Duursma-London disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-London combination does not disclose: (1) attempting to establish a second connection from the target device to the source device; (2) transferring an item using the second connection if the attempt to establish the second connection was successful; (3) and transferring the item via a proxy if the attempt to establish the second connection was not successful, the examiner respectfully disagree.

Huang discloses (1) performing searches at the first set of devices [col.10, ll.15-26]. For example, Huang disclose Window contains a search [= search feature] and query box that allows the user to search for other users [= a first set of devices because in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical apparatus read on devices as claimed] who consider this users as their friend [= authorized access] based on a correspondence between an identifier [= an identifier such as "private", "publish", or "friends", Huang, col.9, ll.35-44] of the source device [= virtual desktop **810**] and the associated identifier of the first set of devices [= public folder contain unprotected files that are freely accessible by everyone, Huang col.9, ll.54-2] [col.10, ll.15-26]; or (3) providing the search results to the source device through the intermediate entity if a direct connection cannot be made [= lists the results of the search, col.10, ll.15-44].

However, Huang does not explicitly show (2) attempting to provide search result from the first set of devices to the source device through direct connections with

bypass the intermediate entity. In a communication method, London discloses (2) attempting to provide search result from the first set of devices to the source device through direct connections with bypass the intermediate entity [figs.6-7 and col.9, ll17 through col10, ll48 and col.1, ll.12 through col.2, ll.65]. Therefore, the combination of the Vihuber-Duursma-London disclose claimed feature as show in the above.

In response to Appellant's argument that the Vihuber-Duursma-London combination does not disclose second connection attempts, transferring items using the second connection if the second connection attempt is successful, or transferring an item via a proxy if the second connection attempt is not successful, the examiner respectfully disagree. London disclose second connection attempts, transferring items using the second connection if the second connection attempt is successful, or transferring an item via a proxy if the second connection attempt is not successful [figs.6-7 and col.9, ll17 through col10, ll48 and col.1, ll.12 through col.2, ll.65]. Therefore, the combination of the Vihuber-Duursma-London disclose claimed feature as show in the above.

VI. Group 6: Claim 13. The Vihuber-Duursma-Dreke combination does not teach or suggest establishing said network of devices without using a server.

In response to Appellant's argument that the Vihuber-Duursma-Dreke combination does not disclose eliminating logging into a server before accessing

peers in a device network, the examiner respectfully disagree. Applicant's argument does not commensurate with the scope of the claim. The claims only recite the limitation of establishing said network of devices without using a server [fig.3]. However, claims do not recite the limitation of eliminating logging into a server before accessing peers in a device network (emphasis added). Therefore, the combination of the Vihuber-Duursma-Dreke disclose claimed feature as show in the above.

VII. Group 7: Claim 14. The Vihuber-Duursma-Dreke-Levy combination does not teach or suggest broadcasting from first, second, and third devices; listening for other devices by the first, second, and third devices; and establishing and authenticating connections between the first, second, and third devices.

In response to Appellant's argument that the Vihuber-Duursma-Dreke-Levy combination does not disclose establishing and authenticating connections based on device-to-device broadcasts, the examiner respectfully disagree. Levy discloses broadcasting [page 3, paragraph 0033 i.e. "having the computer broadcast their event logs to each other"] from a first device [i.e. 104]. Further, , in the specification of page 4, the applicants wrote, "these devices can be a physical apparatus or a software process (or thread, etc.) running on a physical apparatus." Applications and/or software process running on a physical

Art Unit: 2146

apparatus read on devices as claimed. Therefore, the combination of the
Vihuber-Duursma-Dreke-Levy disclose claimed feature as show in the above.

(11) Evidence Appendix

None

(12) Related Proceedings Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 2151

March 15, 2008

/N.T./

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Application/Control Number: 09/955,665

Page 37

Art Unit: 2146

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